IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 20942 of 1994

Between:

Mohd.Khallel Ahmed S/o.Hafiz Mohd., R/o.H.No.18-7-299/48,

Aman Nagar, Hyderabad.

..... PETITIONER

AND

1.The Commissioner, Municipal Corporation of Hyderabad,
Lower Tank Bund Hyderabad.
2.The Executive Engineer O.D.A. No.I, Municipal Corporation of Hyderabad,
Lower Tank Bund Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents herein, its officials and men and its contractor not to construct the open sewerage nala drain, on the premises i.e., 17-3-3/1/28/8 admeasuring 150 sq. yds., equivalent to 125.41 sq. mts, Deodi Suryajung, Hyderabad and not to obstruct the petitioner from proceeding with the construction of a building on the above premises of which is the lawful owner.

Counsel for the Petitioner: MR.C.V.BHASKAR REDDY

Counsel for the Respondents: GANTA RAMA RAO, GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following:

ORAL ORDER:

Heard both sides.

2. Aggrieved by the action of the respondents in issuing a letter, dated 15-11-1994, directing the petitioner to demolish a part of the construction in order to lay a underground drainage pipe lines, the present writ petition has been filed.

3. Initially, on 29-11-1994, in W.P.M.P.No.25964 of 1994, this Court granted status quo with regard to opening of sewerage nalla drain on the property i.e., 17-3-3/1/28/B/8, measuring 150 square yards, situate at Deodi Suryarjung, Hyderabad.

4. The learned counsel for the petitioner submits that subsequently the drainage pipe lines have been diverted and no demolition activity

had been undertaken by the respondents pursuant to the said order of status quo granted by this Court.

5. Further, whether the respondents are still particular about the impugned letter or not is not known. Therefore, if no action has been initiated so far, pursuant to the impugned letter and also pursuant to the order of status quo granted by this Court, the respondents are at liberty to follow the procedure contemplated under Section-293 of the Hyderabad Municipalities Act and proceed in accordance with law.

6. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

29TH JULY 2004 D.S.R.VARMA, J

KRK

To:

1.The Commissioner, Municipal Corporation of Hyderabad,

Lower Tank Bund Hyderabad.
2.The Executive Engineer O.D.A. No.I, Municipal Corporation of Hyderabad,
Lower Tank Bund Hyderabad.

3.Two CCs to the Government Pleader for Municipal Administration & Urban Development, High Court Buildings, Hyderabad (OUT).

4.Two CD copies.

5.One spare.